Special 6-Page Issue on Those Campus Killings

A Humanity Which Shames The Indifference of Society

You remember that you were under our rule and we treated you more humanely than you treated us when you had control of the prison.

—Queens House of Detention inmate to a guard held hostage in the prison revolt, as reported by a Black Muslim Minister in the New York Times, *Oct. 5.*

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What's A Little Murder (Of Blacks and Students)?

The danger in the Jackson State and Kent State reports by the President's Commission on Campus Unrest lies in their very quality. If they had whitewashed the killings, the findings would be angrily dismissed by blacks and students as more-of-the-same, but the hope would remain that a better investigation by better men might have produced better results. The destructive potential of the reports comes from the fact that they have honestly and thoroughly shown that the killings were unjustified and unnecessary. The established order mustered its best and they fulfilled their moral and political obligation. *And yet there is not the slightest chance that anything will be done about it.* The chairman of the Commission, Scranton, will turn up at the White House one of these days to be photographed with the President, an innocuous statement will issue from the White House, and that will be the end of the findings. The message to blacks and students will be that even when the established order does its highest best, there is no discernible effect. Disillusion will be deepened. The number of those who drop out, who abandon hope in normal politics and reason, will increase. The reports, by their very honesty and courage, will have demonstrated the impotence even of the conventional best elements in our society. What was intended to further reconciliation will end in provocation.

Where Scranton Failed

The Commission can be criticized on two points. Its main business was to investigate the killings at Jackson State and Kent State but it chose to issue its findings on these in two separate reports released several days after its main report. These two were released separately and without specially televised briefings. Governor Scranton and his colleagues could have put on the nation's television screens their conclusion that the killings on both campuses were unjustified and unnecessary. They chose instead to televise the safe and even-handed generalities of their main recommendations, and left town before the other reports were issued. Apparently all the advance criticism orchestrated by the White House and Agnew had made them afraid of becoming too controversial. The other criticism is that these two reports do not put the spotlight on those responsible for the killings. The Commission had a valid excuse for this. As it said in the Kent State report, it did not wish "to interfere with the criminal process." Unfortunately the "criminal process" at Jackson State and Kent State is apt to end like the "criminal process" which grew out of the Orangeburg massacre in February, 1968. There three students were killed and 27 wounded by State Highway patrolmen at the all-black State College in Orangeburg, South Carolina. The nine highway patrolmen who did the shooting were acquitted last year (and promoted!). But Cleveland Sellers, the young SNCC worker whom the authorities arrested as the "outside agitator" responsible has just been convicted and sentenced to a year in jail though the original charges against him failed to stand up.*

Warning From An Unexpected Source

When bombings in the country approach 4,000 a year, as they have now, it's time for something other than lamentations . . . But the government will have its hands full dealing with those who commit crimes of terror and murder without wading into the fuzzy areas of advocacy and intent. It would be propelled into those sectors by a bill offered by Senator Eastland. He would crack down on "whoever knowingly or willfully advocates, abets, advises or teaches the duty, necessity, desirability or propriety of overthrowing or destroying" the government of the United States or of any state. The act would be effective "without regard to immediate provable effect of such action" by an individual . . . How could a political statement be punishable if no effect could be proven? . . . Considering the strain upon the country, extreme proposals are inevitable. The Sedition Act of 1798 was the outgrowth of only verbal violence . . . Americans today are demonstrating more coolness under worse provocations, and we hope they will continue to stand well back from the brink of hysteria.

—Editorial, the conservative Washington Star, *Oct. 9.*

The killers—police, Guardsmen or state highway patrol—will go free and the only people punished will be selected scapegoats from among their victims. Some organization ought to take the offensive on the findings of the Scranton Commission before this all too familiar pattern adds to the alienation of blacks and students. For example, every member of the local police force who took part in the Jackson State shootings was interviewed by the FBI. Every one of them lied to the FBI. They denied, as they denied to the Mayor of Jackson, that they had ever fired their weapons. Even the Hinds County grand jury, though it held the slayings justified, found the story told by the Jackson police "absolutely false." There is a Federal False Claims statute which provides that any false

*** He was arrested after the "riot" for arson, housebreaking, and grand larceny, assault and battery with intent to kill, destruction of personal property, and damaging real property. (Page 146 of a courageous new book The Orangeburg Massacre by Jack Nelson and Jack Bass, World Publishing $7.95.) The grand jury indicted only for participating in a riot, incitement to riot and conspiracy to incite others to riot. The trial judge directed acquittal on the second and third counts for lack of evidence. The jury then convicted on the one remaining count of participating in a riot—two nights before the slayings occurred.**

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or fraudulent statement made wilfully or knowingly to any agency of the U.S. government is punishable by a fine of $10,000, imprisonment up to ten years or both. This statute was used against Federal employees suspected of radicalism in the witch hunt (Carl Marzani went to jail under it) and against left-wing labor leaders in Taft-Hartley act prosecutions. If local authorities refuse even to indict for these unjustified killings of black students, the Federal government could use this statute to prosecute. Or doesn't murder matter to this law and order administration and the me-too Democrats as long as the dead are blacks or students?

Destroying The Evidence

The Commission findings also show that Jackson City police and State highway patrolmen engaged in conduct which could have been a conspiracy to obstruct justice by destroying and withholding evidence. One way to determine responsibility in a shooting is by ballistic tests of empty shell casings and police guns. "Immediately after the shootings," the report says, "highway patrolmen began picking up empty shell casings." Buckshot, rifle slugs, a submachine gun, carbines with military ammunition, and two 30.06 rifles loaded with armor piercing bullets were used in the fusilade against the students. The FBI found the marks of nearly 400 bullets on Alexander Hall alone, but the shell casings and empty cartridges disappeared. The city police replaced the ammunition they had fired so that when their guns were inspected by the Mayor after the shooting he thought they were telling the truth when they all insisted they had not fired a single shot. The state highway patrol got rid of their own shells—but saved a few of the buckshot shells fired by the city police apparently so they could if necessary disprove the earlier impression that the highway patrolmen alone had fired.

Neither the city police nor the highway patrol admitted to the FBI that they had disposed of such critical evidence. The highway patrol did not admit that it held any shell casings nor hand any over until ordered to do so by a special Federal grand jury. The FBI then traced these back to city police shotguns. "When confronted with this fact," the Scranton report says, "at least three city policemen admitted shooting." One significant detail calls for further exploration. Ordinarily FBI men are instructed in investigative interrogations to obtain signed statements. A Scranton commission source told me this was not done in questioning the Jackson City police. This might make prosecution more difficult. In any case, the facts clearly seem enough to justify indictment for conspiracy to obstruct justice. Yet the special Federal grand jury, after hearing a few witnesses and turning over the shell casings to the FBI, went into recess last June and hasn't been heard from since. It sat for only one week.

J. Edgar Hoover finds plenty of time to denounce students and faculty. Why has he remained silent about this effort to sabotage the FBI investigation at Jackson State? If this is a "law and order" Administration, why have we heard nothing from our voluble Attorney General and our articulate Vice President about these brazen examples of interference with law and order? The Commission report "concludes that a significant cause of the deaths and injuries at Jackson State College is the confidence of white officers that if they fire weapons during a black campus disturbance they will face neither stern departmental discipline nor criminal prosecution or convictions." * The police radio order that night was "scat-

We'll Just Have To Find Another War For Them

Another problem of cutting the Army down "too fast and too far," he [Deputy Defense Secretary Packard] said, is that a lot of good captains and majors who have had two tours of duty in Vietnam would face the prospect of waiting 10 to 15 years for their next promotion. In that situation, he said, much of the future leadership of the Army might decide to leave the Army.

—From "Defense Spending Due to Rise in '71" an interview in the New York Times, *Oct. 4.*

*** The State Highway patrol in Mississippi acts like a law unto itself. The Mississippi-Louisiana Press Association, the week-end after the Jackson State killings, passed a resolution protesting the highway patrol's little iron curtain on any attempt to cover its activities. Ed Williams, one of Hodding Carter's bright young newsmen in Jackson, wrote in a report on the Jackson State killings for the Southern Regional Council that the patrol's refusal to answer any questions about its**

Three Brave Dissenters Speak Up As A Panicky House Passes Nixon's Crime Bill

This bill is more likely to catch poachers and prostitutes than pushers and pimps. This bill is not the answer to crime in the streets—the muggings, the robberies, the rapes . . . to the complex problems of juvenile crime . . . to the destructive penal system which breeds criminals . . . to the massive backlog of cases besetting the courts—a backlog which accounts for criminals roaming free.

Were this bill an intelligent approach to the problem of organized crime, we would support it. We are offended at the frequent links between organized crime and politics; and concerned about infiltration of legitimate business by organized crime. But this bill directly assaults the rights of all Americans, while only flailing out at organized crime.

Title I authorizes special grand juries to be created at the instance of the Attorney General [with] power to submit reports when the evidence is insufficient to warrant an indictment. This is hardly less than sanctified calumny. The evidence can be made up of hearsay, unconstitutionally obtained evidence, unsubstantiated slander and prejudicial casuistry. Nor does it appear that he [the accused] has the right to be apprised of the evidence that he is guilty of non-criminal misconduct. "Prove to us that you are not guilty of anything no matter what anyone has told us," seems to be the ground rule of this frightening version of "I've Got A Secret."

Title X deploys the powers of the government to seek incarceration of so-called special offenders for up to 25 years. Were mobsters the only victims of this assault on the Constitution, we would still object. The fact that all defendants are the prey of its provisions makes the title even more indefensible.

Title XI reflects the deep distress about the bombings shaking our streets and campuses. We question whether it is wise or necessary. The title opens the doors to prowling FBI agents, whether requested or not, and this encourages the aura of repression upon which extremists feed. We also question the wisdom of the death penalty in Title XI, [and its power to] deter. The death penalty is one of the very issues under consideration by the National Commission on Reform of Federal Criminal Laws—a Commission which is the creation of the Congress. So are many other issues which this bill so summarily treats. At the very least we ought to await its conclusions due in November.

The Organized Crime Control Act seeks easy answers to hard and expensive problems. We oppose this bill. We must conclude with Mr. Justice Stewart (364 US 206) that "nothing can destroy a government more quickly than its failure to observe its own laws, or worse, its disregard of the charter of its own existence."

—Dissenting report from the Judiciary Committee by Conyers, Mikva and Ryan just before a panicky House after a cursory debate passed the bill by 341 to 26. **(Abridged)**

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ter them niggers." How do Hoover and Agnew and Mitchell and Nixon expect blacks to feel as these deaths are forgotten and nothing is done about the killings, the lying, the destruction of evidence? What does this say to Southern racist law officials but that they can go on killing blacks with impunity? How wonderful it would have been if Governor Scranton had asked these questions himself on TV!

Complacent Southern Judges

The Scranton commission said softly what needs to be said loud and clear. It left unsaid what needs to be added for a full picture of the situation in the South. The report on Jackson State says it "understands why both white officers and black people in Mississippi gain the impression that policemen need not fear official punishment—or even censure—for repressive action against blacks." It illustrates with a quotation from the Hinds County grand jury report. This not only justified the killings but said that any action against the Jackson City police would be "unwarranted, unjustified and political in nature." The Scranton report said the underlying philosophy of the grand jury report was summed up in the following complacent passage, "When people . . . engage in civil disorders and riots, they must be expected to be injured or killed when law enforcement officers are required to reestablish order." The Scranton report says this was drawn "almost verbatim" from Federal District Judge Harold Cox's charge to the special Federal grand jury and State Circuit Judge Russell Moore's charge to the Hinds County Grand Jury.

The report does not observe that their charges remarkably resemble the cold-blooded statement issued by the White House on May 4 after the Kent State killings. Nixon said the killings "should remind us all once again that when dissent turns to violence it invites tragedy." The grand jury and White House statements are alike in silently making no distinction between a rock thrown by a student and a shotgun fired by police. Both are alike in providing blanket justification for the killings and in begging all the questions of wise law enforcement and constitutional rights to which the Jackson State report tried to call attention when it said—

The Commission categorically rejects rhetorical statements that students must "expect" injury or death during civil disorders. Such statements make no distinction between legitimate dissent and violent protest. It is the duty of public officials to protect human life and to safeguard peaceful, orderly and lawful protest. When disorderly protest exists, it is their duty to deal with it firmly, justly and with the minimum force necessary; lethal force should be used only to protect the lives of officers or citizens and only when the danger to innocent persons is not increased by the use of such force.

The Commission did not say what some national organization should now say—that the whole system of law and order in Hinds County is stacked from top to bottom against blacks. The report does not say that Judge Cox is notorious as the South's worst Federal judge on civil rights cases. It was he who threw out the indictments in the slayings of Goodman, Schwerner and Chaney—only to be reversed by a higher court so that the trials were able to proceed. As for State Circuit Judge Russell Moore, he acted as campaign chairman for Wallace in Mississippi in 1968 *while serving as a judge!* From a black point of view, of course, this is how the law and order system of the South has always been shaped as an instrument of white supremacy and racial oppression. The only difference

conduct in the shooting was not surprising. He told a story to illustrate the patrol's high-handedness. "Two months ago," Williams wrote, "a highway patrolman took a drunk to the emergency room of University Hospital here in Jackson. He ordered a black orderly to go to the car and bring the man in. The orderly, busy with other tasks, said he would have to check with his supervisor. That angered the patrolman, and he smashed the orderly in the face, knocking him over a patient in a wheelchair. Two white interns rushed up, and the patrolman pulled his gun, waved it at the interns, then arrested them." The charges against them were dropped but the only result of a patrol investigation was the officer's transfer from Jackson to Natchez. There was no fine or suspension.

Add Nuclear Threats To The Caribbean

Communications with 6th Fleet and with the Headquarters Southern Alliance of NATO need desperately to be corrected. For example, an urgent message from Secretary Laird to the subcommittee at Naples was misrouted and ended up in Panama, at Southern Command headquarters, instead of coming to the subcommittee. The subcommittee was advised that this is a not unusual mixup for CINCSOUTH NATO Headquarters.

—Report by the House Armed Services subcommittee on anti-submarine warfare about its trip to the Middle East, released for publication September 28.

If a 6th Fleet Mediterranean message can end up at the other end of the Caribbean by mistake, an electronic overhaul of the fleet's communications system is urgent. We'd hate to think of the fleet taking aim, in a nuclear crisis, at Odessa and hitting Miami Beach instead.

On That Cuba Nuclear Sub Scare Just Before The Vote On This Year's Defense Bill

Reports that the Russians may be building a nuclear submarine base in Cuba are part of a Pentagon attempt to hoodwink the American people and scare Congress into more defense spending, according to Sen. J. William Fulbright, D-Ark. "It happens every year at appropriations time," Fulbright said in an interview. "Last year, it was the SS9 missiles. Now it's a submarine base."

Officially, the Pentagon has said only that it detected construction activity at Cienfuegos which could be a sub support base. Unofficially, some administration officials have said the project is indeed such a base. But Fulbright said Defense Department officials who briefed his Foreign Relations Committee last week had no evidence a base was being built, and did not even try to convince the committee that anything was going on. Fulbright said the United States opposes a Soviet base in Cuba, 90 miles off the U.S. coast, even though it has nuclear weapons of its own in Turkey, which borders Russia.

—UPI in Washington Star, *Oct. 5. The briefing to which Fulbright referred was by the Defense Intelligence Agency.*

Q. Two weeks ago, the Pentagon said that there had been detected what might be the beginning of a Russian submarine base in Cuba. Considerable comment was made on this elsewhere in town the same day. And now the subject seems to have died . . . Do you have any better information as to what this is there; and have you undertaken any diplomatic steps to try to find out whether it is a Russian base, and whether the Russians will pull it out?

A. Since the statement from the Pentagon and subsequent background briefing in the White House, there have been no significant changes in the situation in Cuba . . .

Q. Mr. Secretary, you set out on several points here what appears to be a pattern of Soviet conduct—participation in the violations on the West Bank of the Suez, the Cuba affair . . .

A. In terms of the Cuban base is concerned (sic), we are not sure. I noted with interest that the Soviets have said that they were not constructng a submarine base in Cuba. But we will continue to watch that carefully.

—Secretary of State Rogers in a press conference, Oct. 9.

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now is that we have a national Administration which more subtly though no less unmistakably is also anti-black, as it is anti-student.

If the country looks the other way, it will wake up to find that the only people punished in the Jackson State affair are the victims and those who tried to speak up for them. Three of the Jackson City policemen have filed a $3,000,000 libel suit against Joseph Rhodes, Jr., the youngest member of the Commission on Campus Unrest, for saying publicly that they lied and for calling Mississippi "a police state ruled by terror" in which black people "are in danger of being murdered by law enforcement officials" thus implying that the policemen were criminals. Since Rhodes has two counts against him—that of being both a black and a student (from Harvard yet!)—one can imagine what may happen to him when this suit is tried in Mississippi.

No Students Killed At Ole Miss

Another target of the racists is a fledgling Jackson lawyer, Morris Spivey, admitted to the bar last spring on graduation from the law school at Old Miss. Spivey, a native of Jackson, is far from being a radical. He worked two years for Eastland on the Senate Internal Security Staff 1964-66. He was put on the Hinds County grand jury but unexpectedly turned heretical. Judges Cox and Moore instructed their grand juries that police were justified in shooting if rocks were thrown or obscenities shouted at them. But Spivey was at Old Miss as an undergraduate in 1962 when white undergraduates demonstrated violently against integration, not only hurling rocks and obscenities against Federal marshals, but using shotguns against them. Twenty-five U.S. marshals were injured—one seriously, by a shotgun blast. Though 13,500 troops and Federalized guardsmen and 400 marshals were needed to deal with the demonstrations, far larger and more violent than any the country has seen since, no students were killed.

The contrast was too much for Spivey. He was one of two members of the Hinds county grand jury who did not sign its findings and he was the only one boldly to note in writing on the report that he did not concur in its findings. When interviewed by CBS and local TV afterwards, he said he thought the report was unfair to the liberal Mayor of Jackson and unfair to the black students. As a result he was cited for contempt before Judge Russell Moore and faces trial on a charge of breaking his oath as a grand juror not to reveal its secrets. The charge is pretty flimsy since the grand jury published its report and Spivey's non-concurrence. He was expressing his opinions, not discussing what went on in the grand jury room. But the charge may hurt his career.

A scapegoat has been prepared at Jackson State as at Orangeburg. A young cement finisher, Ernest Kyles, arrested in the wake of the Jackson State shootings, was slated to go on trial Oct. 14 for arson and inciting to riot. It is indicative that when Mr. Kyles was taken before a local magistrate next day, the latter refused to bind him over for the grand jury, ruling that there was insufficient evidence to hold him. The grand jury nevertheless returned an indictment. For local Jackson blacks all this seems a rerun of what happened in 1967 when local police and highway patrolmen fired indiscriminately into another group of students and passersby on the Jackson State campus while in search of a student wanted for speeding. They killed a young civil rights activist, Benjamin Brown, who was a wholly innocent and nonparticipating bystander. No law officer was punished then either. The only difference now is Washington's attitude. Harry Huge, a Washington attorney, in an article in last summer's issue of *The New South,* published by the Southern Regional Council, quotes a veteran Southern reporter who covered the Jackson State inquest as saying, "People here think that the way the

The Old Maybe Department

Sec. Rogers. We are making the proposal because we feel sure that the Vietnamization program will succeed and that we will have American forces out of combat in Vietnam by May 1st . . .

Q. Mr. Secretary, did you mention just now that on May 1st you expect all U.S. ground forces not to engage in combat any longer?

A. No. I said that I think that by May 1st, as the President said, he is going to—between now and May 1st—withdraw about another 95,000 troops from South Vietnam. By that time, most of our forces will be out of the combat role—maybe some in the combat role, but by and large they will be out of the combat role by that time.

—Secretary Rogers at press conference, Oct. 9.

This Year's Performance By The Pentagon's No. 1 Alarmist And Look Who Satirized Him

Without revealing information which would give aid and comfort to the Soviet Union, I feel compelled to tell this House that not very long ago I was told that the combat condition of our cruisers and destroyers in the Atlantic Fleet was so bad that more than half of them were in a condition that would have seriously affected their combat capability. Some of these ships could not have engaged in any kind of naval confrontation . . . I say to this House that the future of this nation hangs by a thread.

—Mendel Rivers of Charleston, S.C., chairman of the House Armed Services Committee, in the House Sept. 28, in one of his annual speeches on the imminent sinking of the U.S. Navy. This year's preceded final approval of a defense bill authorizing the Navy to spend $435 million more on ship construction than the $2.7 billion budgeted by Nixon. Senator Eagleton (D.-Mo.) *said, he felt he could safely predict that this $435 million boost would not meet the same fate as the $453 million boost in education funds which Nixon vetoed Aug. 11 as inflationary. Our favorite comment on Rivers was by a speaker with whom we do not ordinarily agree. His satirical tribute was meant as a friendly joke. He said:*

I would like to lay to rest the ugly, vicious, dastardly rumor that he is trying to move the Pentagon piecemeal to South Carolina. I have been to Charleston several times, and I have had it clearly explained to me that the military facilities so evident in that area are a testament of Mendel Rivers' unselfish willingness to allow his own First District of South Carolina to accept in the national interest military installations which just had to be put someplace.

When the Navy was desperate to find some place to put a Polaris repair facility, I am told, Mendel Rivers stepped forth and graciously volunteered Charleston, South Carolina. When the Air Force simply had to find a place to put some of its C-141 airlift airplanes, Mendel Rivers again volunteered his home area. When a home port was needed for the Atlantic Mine Force, again he came forward. While other Congressmen were fighting behind the scenes to prevent Congressional committees from cluttering up their districts with military installations, Mendel Rivers refused to lift a finger to block the construction of additional facilities in Charleston. Even when it looked like Charleston might sink into the sea from the burden, Mendel Rivers' patriotic response was, "I regret that I have but one Congressional district to give my country to—I mean to give to my country."

—The speaker was Agnew at an Air Force Association luncheon Aug. 12 in Washington in Rivers' honor.

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police handled the students at Jackson State is the way Nixon and Agnew want the students to be treated."

A Challenge To Mitchell

As a last resort, the Lawyers Committee For Civil Rights Under Law, organized at Bobby Kennedy's suggestion, has filed a $3,000,000 suit against local and State police authorities in the Federal court in Mississippi on behalf of the families of the dead and wounded. A similar suit after Ben Brown's killing failed. Under Section 902 of the Civil Rights Act of 1964, the Federal government could intervene in the suit if the Attorney General certified that it involved a matter of general public importance. Attorney General Mitchell should be pressed to do so, if only to show up the hypocrisy of the Administration's "law and order."

In some ways the story of Jackson State did not belong in a campus unrest report at all. The shootings there May 14 were no different from the killing of six blacks and the wounding of 80 others by police at Augusta, Ga., three days earlier. The Jackson State killings just happened to take place on a campus. "In any normal sense of the term," the Scranton commission reported, " 'student unrest' does not exist on the Jackson state campus." Both Jackson and Augusta were cases of police repression of black unrest. As the Southern Regional Council said in its reports on Augusta and Jackson State, "The current national crisis regarding unlawful dissent and terrible police overreaction is an old story in the South." It is on its way to becoming an old story in the North. At Kent State as at Jackson State, it looks as if the killers will go unpunished and only demonstrators will be prosecuted.

In preparing its report on Kent State, the Scranton commission said it had the benefit of 8,000 pages of reports by the FBI, which put 100 agents on campus after the shootings at the request of Ohio Governor Rhodes. Their findings leaked to the Akron, Ohio, *Beacon-Journal,* the home paper of John S. Knight's newspaper chain. On July 23 it splashed across its front page the news that the FBI had concluded that the shootings were "not necessary and not in order," that six guardsmen identified through witnesses and ballistics tests by the FBI could be criminally charged for their role in the shooting, that student demonstrators heckling the Guard could have been turned back without firing if arrests had been made and more tear gas used, and that the confrontation with the students could not be classed as a riot. This was a major finding since under Ohio law if there was a riot, no Guardsman could be prosecuted for his actions. What leaked to the *Beacon-Journal* was a memorandum for the Ohio authorities summarizing the FBI findings and signed by Jerris Leonard, chief of the civil rights division. After the *Beacon-Journal* article appeared, a Justice Department statement confirmed the existence of the memo but said it contained "options for prosecution" rather than conclusions. The findings reported by the *Beacon-Journal* were not denied.

The Scranton Commission said its Kent State inquiry was "especially sensitive" because it did not wish to interfere with the "criminal process" begun before an Ohio grand jury. But the circumstances under which the grand jury was convened and the men who convened it make the grand jury suspect. The Scranton report criticized Governor Rhodes for putting the Guard on campus and said it replaced the Cambodian invasion as the main focus of student discontent. Its narrative of the events before the shootings shows the link between the Governor's inflammatory attack on the students and the primary election two days later. He hoped (in vain, as it turned out) to defeat Robert Taft, Jr., for the Republican Senate nomination by exploiting popular sentiment against the students. The Scranton report also criticized Ohio National Guard commanders for giving loaded weapons to the Guards-

Slickly Put, But Thieu Retains His Veto

Q. One of the reasons it is evident why the cease-fire proposal has been so widely welcomed by many people on the hawk and dove side is, in fact, that they are reading different things into it as the Administration's interpretation. To some of the proponents of a cease-fire, it means acknowledgement of the existing territorial control that the communist side holds in Indochina. To others it evidently means freezing in place the existing Government headed by President Thieu. What is the Administration's interpretation of what the political implication is of a standstill cease-fire.

A. The President's statement pointed out that if the cease-fire proposal was accepted that active negotiations would be undertaken, have to be undertaken, to determine the modalities of that cease-fire. The political consequences of that would be determined by the provisions of the cease-fire itself . . . The political consequences would result from the negotiations that would occur between the two sides in South Vietnam.

—Secretary Rogers at press conference, Oct. 9.

Read This Carefully And You'll See The Flim-Flam In Nixon's Latest On Vietnam

Q. Mr. Secretary, does the United States Government have any indication from the Communist side of any kind that it was interested in proposals of this sort . . .?

A. We have no reason—based on conversations with the other side, or with any of those aligned with them—to think that they will accept this peace initiative . . .

Q. The President and other top officials have often said that serious diplomacy should be conducted secretly and in private. In view of that, why wasn't this proposal proposed to the communists in Paris in private?

A. Well, I think there are great advantages to quiet diplomacy; but in this case, because of the nature of the conflict and because there has been division in our own country, and because there has been some opposition in the international community to some of the actions of our Government in the past, we thought it was desirable for the President to make a major statement on it which would be so forthcoming that it would be widely accepted . . .

Q. The State Department spokesman yesterday expressed the hope that Russia would use what he described as its considerable influence on Hanoi to cause them to accept the five-point plan. In the light of that, I was wondering why . . . Mr. Dobrynin or the Russians, according to your people, had their first information from you in a telephone call about an hour before the President went on the air . . .

A. . . . we tried to give notification to the governments that we thought should be notified in the hope that they would consider the proposal seriously and do what they could to assist in having the other side accept them . . .

Q. We have always felt in the past that the Communists would not negotiate from a position of weakness, which you imply the situation is now, and they have also said they would not separate the military from the political parts of the conflict in Vietnam, which the cease-fire attempts to do. What is it that makes you think now they are willing to change their traditional negotiating stance?

A. Well, it just makes sense, that's why. They can make a better settlement now and achieve at least some of their objectives, if they have any political strength, by doing so now. Because the Vietnamization program is working, their chances will diminish as time goes on.

—Secretary of State Rogers in a press conference, Oct. 9.

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men in violation of U.S. Army guidelines for handling civil disorders. All this was in line with the Justice Department memo to the Ohio authorities based on the FBI's reports.

"Facts" The FBI Did Not Accept

The Ohio authorities did not deny the *Beacon-Journal* story. But the Adjutant General of the Ohio guard said next day that the reported findings "fail to include many facts which we provided." Apparently the FBI investigators did not believe they *were* facts. The commander of the Ohio Guard, Major General Del Corso, said he found the FBI findings "just unbelievable" * and on Aug. 1 asked the Governor to convene a grand jury. Two days later Governor Rhodes ordered his Attorney General Brown to convene a special Portage County grand jury. Brown had already prejudged the case. After seeing the Justice Department and FBI materials, he was quoted as saying (NYT 8/14/70) "On the evidence we have available—and we have as much as anyone—I don't see any evidence upon which a grand jury would indict any guardsmen," adding that if a grand jury did he would feel obliged to provide a defense for the Guardsmen. Add the fact that public sentiment in Portage County—from which Brown drew his grand jury—is overwhelmingly anti-student, and the chances for objective judgment from the jury are slim. The *Washington Post* (July 24) said the Justice Department was gathering evidence for possible presentation to a Federal grand jury in Cleveland but nothing has been heard since of possible Federal prosecution.

One obstacle to a Federal prosecution is the attitude of J. Edgar Hoover. Hoover could have cited the FBI's investigation at Kent State as evidence of the Bureau's impartiality and used it to counter the bad press the FBI has received for some of its other activities on campus. For example, early in the Kent State investigation, the Kent State chapters of the American Civil Liberties Union and the American Association of University Professors sent telegrams of protest to Ohio's two US Senators on the ground that FBI men were inquiring into the classroom teachings and political beliefs of instructors at the university. (Jack Nelson in Los Angeles *Times* June 2). Then Hoover set off a storm of protest by revealing in his annual report on FBI activities last July that

*** "The Kent State tragedy," the Scranton report said, "must surely mark the last time that loaded rifles are issued as a matter of course to guardsmen confronting student demonstrators." But Gen. Del Corso's reaction was to state that Ohio Guardsmen would continue to be armed with live ammunition (Akron Beacon-Journal editorial, Oct. 7.)**

Southeast Asia? Latin America?
Never Heard Of Them!

No world leader to whom I have talked fears that the United States will use its power to dominate another country or destroy its independence.

—Nixon's TV broadcast October 8.

student groups organizing anti-Administration political activity were being watched. More recently George Dean of the local ACLU charged in a Tuscaloosa, Alabama court that an FBI undercover informant acted as an agent provocateur at the University of Alabama and had himself committed arson and other unlawful acts which led to police action against students. (Jack Nelson, *LA Times,* Sept. 11).

Only One Word Was Wrong

The FBI could have pointed with pride to its Kent State investigation. But Hoover seems to have been upset by protests from his right wing constituency in Ohio and elsewhere in the wake of the *Beacon-Journal* revelations. He accused John S. Knight, its president and editor, of distortion and said he was answering letters of protest about the *Beacon-Journal* story by writing them, "I can assure you any comments you may have seen in the news media to the effect that the FBI drew conclusions indicating guilt on the part of National Guardsmen in the shootings at Kent State are absolutely and unequivocably false." But when Knight published Hoover's letter in full with his own reply (August 7) he pointed out that Hoover did not contest the veracity of the information his paper had published but only the fact that it had spoken of FBI "conclusions." Mr. Knight admitted that the FBI does not make conclusions or recommendations in its reports and that his paper should have written "reported" rather than "concluded." "But an exercise in semantics," Knight protested, "must not be permitted to obscure the fact that our article was essentially correct and not 'distorted' as you allege." Knight wrote that he was "surprised at the hostile tone of your letter which is evidently intended to mollify public opinion." Knight ended by writing, "There is no occasion to lecture the editor for, as you know, we are quite as dedicated to the quest for truth as the FBI." This exchange of letters throws fresh light on the mentality of the FBI chief. This is the man who lectures students and blacks on law and order. This is the man who will decide how the FBI uses the wide powers over the nation's campuses given it a few days ago by Congress at Nixon's request.

I. F. Stone Can Be Seen (and Heard) on ABC's Dick Cavett Show Oct. 27, 11:30 p.m. Eastern Time

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